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PATENT APPLICATION

ATTORNEY DOCKET NO. 200300734-1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): David Champion et al.

Confirmation No.: 6089

Application No.: 10/767,732

Examiner: Natalie K. Walford

Filing Date: 01/28/2004

Group Art Unit: 2879

Title: PHOTONIC CRYSTAL FILAMENT AND METHODS

Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450

**NOTICE OF APPEAL FROM THE EXAMINER TO THE
BOARD OF PATENT APPEALS AND INTERFERENCES**

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the examiner date,

12/12/2008, rejecting the following claims 1, 3 - 10, 26 - 36, 40, and 44 - 50.

The fee for filing this Notice of Appeal is \$510.00 (37 CFR 41.20).
 No Additional Fee Required.

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.13 6(a) apply.

(a) Applicant petitions for an extension of time under 37 CFR 1.136 (FEES: 37 CFR 1.17 (a)-(d) for the total number of months checked below:

<input type="checkbox"/> 1st Month \$120	<input type="checkbox"/> 2nd Month \$460	<input type="checkbox"/> 3rd Month \$1050	<input type="checkbox"/> 4th Month \$1640
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The extension fee has already been filed in this application
 (b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

Please charge to Deposit Account 08-2025 the sum of \$30.00. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees. A duplicate copy of this sheet is enclosed.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Alexandria, VA 22313-1450

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I hereby certify that this paper is being transmitted to the Patent and Trademark Office facsimile number (571) 273-8300.

Date of facsimile: 03/09/2009

Typed Name: Theodore R. Touw

Signature: Theodore R. Touw

Respectfully submitted,

David Champion et al.

By Theodore R. Touw

Theodore R. Touw

Attorney/Agent for Applicant(s)

Reg No.: 36,702

Date : 03/09/2009

Telephone : (541) 967-9133

Rev 10/07 (NoteAppeal)

Adjustment date: 03/09/2009 HMARZI1
 11/16/2007 FMETEKII 00000053 082025 10767732
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03/09/2009 HMARZI1 00000056 082025
01 FC:1401

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Ted R. Touw

541-967-9134

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Intellectual Property Administration
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Fort Collins, Colorado 80527-2400

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Confirmation No.: **6089**

Application No.: **10/767,732**

Examiner: **Natalie K. Walford**

Filing Date: **01/28/2004**

Group Art Unit: **2879**

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